

House File 2476 - Introduced

HOUSE FILE _____
BY STRUYK, BOAL, FORRISTALL,
WATTS, WORTHAN, BAUDLER,
GREINER, RAYHONS, DE BOEF,
VAN FOSSEN, GRASSLEY, ALONS,
SCHICKEL, DEYOE, SODERBERG,
and UPMEYER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting local legislation that prevents local
2 government officials or employees from cooperating with
3 federal officials with regard to the immigration status of
4 persons within the state.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5647YH 82
7 md/rj/8

PAG LIN

1 1 Section 1. Section 331.303, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 10A. a. A county shall not adopt or
1 4 enforce county legislation prohibiting a county sheriff or
1 5 deputy sheriff, county official, or county employee from
1 6 communicating or cooperating with federal officials with
1 7 regard to the immigration status of any person within the
1 8 state. Members of the board of supervisors who vote to
1 9 approve such county legislation may be personally liable under
1 10 section 670.12 for damages resulting from enforcement of the
1 11 county legislation.
1 12 b. The internal rules of a county office or department
1 13 shall not prohibit a county sheriff or deputy sheriff, county
1 14 official, or county employee from communicating or cooperating
1 15 with federal officials with regard to the immigration status
1 16 of any person within the state.
1 17 Sec. 2. Section 364.3, Code 2007, is amended by adding the
1 18 following new subsection:
1 19 NEW SUBSECTION. 10. a. A city shall not adopt or enforce
1 20 an ordinance prohibiting a city peace officer, city official,
1 21 or city employee from communicating or cooperating with
1 22 federal officials with regard to the immigration status of any
1 23 person within the state. City council members who vote to
1 24 approve such an ordinance may be personally liable under
1 25 section 670.12 for damages resulting from enforcement of the
1 26 ordinance.
1 27 b. The internal rules of a city office or department shall
1 28 not prohibit a city peace officer, city official, or city
1 29 employee from communicating or cooperating with federal
1 30 officials with regard to the immigration status of any person
1 31 within the state.
1 32 Sec. 3. Section 670.12, Code 2007, is amended to read as
1 33 follows:
1 34 670.12 OFFICERS AND EMPLOYEES == PERSONAL LIABILITY.
1 35 All officers and employees of municipalities are not
2 1 personally liable for claims which are exempted under section
2 2 670.4, except claims for punitive damages, claims for damages
2 3 pursuant to section 331.303, subsection 10A, or section 364.3,
2 4 subsection 10, and actions permitted under section 85.20. An
2 5 officer or employee of a municipality is not liable for
2 6 punitive damages as a result of acts in the performance of a
2 7 duty, unless actual malice or willful, wanton and reckless
2 8 misconduct is proven.

EXPLANATION

2 10 This bill prohibits counties and cities from enacting local
2 11 legislation or ordinances that prevent peace officers, local
2 12 officials, or local employees from communicating or
2 13 cooperating with federal officials with regard to the

2 14 immigration status of any person within the state. The bill
2 15 also prohibits city and county offices and departments from
2 16 promulgating internal rules that prevent officers, officials,
2 17 and employees from communicating or cooperating with federal
2 18 officials with regard to the immigration status of any person
2 19 within the state.
2 20 The bill provides that a member of the governing body of a
2 21 county or city may be liable for damages resulting from the
2 22 enactment of such local legislation or ordinance if the member
2 23 voted to approve the measure.
2 24 LSB 5647YH 82
2 25 md/rj/8